



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: March 8, 2006  
Comment Deadline: April 7, 2006  
Corps Action ID #: 200630642

The Wilmington District, Corps of Engineers (Corps) has received an application from Carolina Day School, represented by Mr. Russ Slipher, CFO, seeking Department of the Army authorization to impact unnamed tributaries to Four Mile Branch and adjacent wetlands in conjunction with the construction of an athletic field sports complex off of Sweeten Creek Road in Asheville, Buncombe County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Carolina Day School  
Attn: Mr. Russ Slipher  
1345 Hendersonville Road  
Asheville, North Carolina 28803

**AGENT:** R. Clement Riddle  
ClearWater Environmental Consultants, Inc.  
224 South Grove Street, Suite F  
Hendersonville, North Carolina 28792

## Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

## Location

The project area consists of a 26.83 acre tract located on the west side of Sweeten Creek Road just south of the Blue Ridge Parkway in Asheville, Buncombe County, North Carolina (35.52108 N, 82.52116 W). Four Mile Branch as well as unnamed tributaries to Four Mile Branch and adjacent wetlands transect the property. Four Mile Branch is tributary to the French Broad River which is a Section 10 navigable-in-fact waterway.

## Existing Site Conditions

The 26.83-acre project area is located in Buncombe County, North Carolina and consists of wooded land nearly all of which was recently thinned during timber operations. Elevations range from approximately 2,200 feet MSL to feet 2,320 MSL. Adjacent land use includes the Blue Ridge Parkway to the north, single family residential and wooded land to the east, railroad and multifamily to the west, and commercial business to the south.

The site contains one named stream (Four Mile Branch) and one unnamed perennial tributary. Four Mile Branch has a water classification of C, by the North Carolina Department of Water Quality. Four Mile Branch originates on the eastern side of Sweeten Creek Road and is a USGS blue-line stream. No other named streams are located on the property. However, one unnamed perennial stream is located south of Four Mile Branch and flows into Four Mile Branch in the middle of the project site. The site contains five different habitat types.

The oak-hickory community covers approximately five acres of the upland area. The overstory of this community is dominated by white oak (*Quercus alba*), southern red oak (*Quercus falcata*), Hickory (*Carya tomentosa*), yellow poplar (*Liriodendron tulipifera*), shagbark hickory (*Carya ovata*), sugar maple (*Acer saccharum*), and winged elm (*Ulmus alata*). The shrub layer consists of mountain laurel (*Kalmia latifolia*), white pine (*Pinus strobus*), and American holly (*Ilex opaca*). Species observed in the herbaceous layer included Christmas fern (*Polystichum acrostichoides*), blackberry (*Rubus* sp.), poison ivy (*Toxicodendron radicans*), dwarf crested iris (*Iris cristata*), giant chickweed (*Stellaria pubera*), showy orchis (*Galeris spectabilis*), wild geranium (*Geranium maculata*), Indian cucumber root (*Medeola virginiana*) and rattlesnake root (*Prenanthes serpenteria*).

Small wetland depression areas occur in the floodplain of major streams on the site. The overstory of this community is dominated by red maple (*Acer rubrum*) and yellow poplar. Plants observed in the shrub layer include red maple, hazel alder (*Alnus serrulata*), black willow (*Salix nigra*), and elderberry (*Sambucus Canadensis*). Plants observed in the herbaceous layer include soft rush (*Juncus effusus*), royal fern (*Osmunda regalis*), jack-in-the-pulpit (*Arisaema triphyllum*), cinnamon fern (*Osmunda cinnamomea*), Carolina tassel rue (*Trautvetteria carolinensis*), netted chain fern (*Woodwardia areolata*), nodding trillium (*Trillium rugelli*), ragwort (*Senecio aureus*), arrow arum (*Peltandra virginica*), seedbox (*Ludwigia* sp.), jewelweed (*Impatiens capensis*), and unknown sedges (*Carex* spp.).

Small seepage areas are found adjacent to unnamed tributaries that occur on-site. Overstory and midstory vegetation shade these areas but are not rooted within the wetland boundaries. The herbaceous layer however is well developed. Dominant herbs observed in these areas include soft rush, cinnamon fern, royal fern, jack-in-the-pulpit, branch lettuce (*Saxifraga micranthidifolia*), turtlehead (*Chelone* sp.), jewelweed, and shining club moss (*Lycopodium lucidulum*). These areas are saturated to the surface most of the time.

Freshwater habitats include the streambeds and banks of on-site streams. Permanently rooted aquatic plants are practically non-existent in streams on site. The streams vary in width from 2-5

feet. Most streams are bordered by hardwood forests dominated by tulip poplar, red maple, and various oak species. In addition to saplings of the above trees, species commonly observed in the shrub layers along streams include *Rhododendron maximum*, spicebush (*Lindera benzoin*), and hazel alder. Species observed in the streamside herbaceous layer include, yellow root (*Xanthoriza simplicissima*), meadow rue (*Thalictrum* sp.), showy orchis, jewelweed, Indian cucumber root, shining club moss, wood anemone (*Anemone quinquefolia*), devils bit (*Chamaelirium luteum*), may apple (*Podophyllum peltatum*), and Christmas fern (*Polystichum acrostichoides*).

Upland mixed hardwood pine communities comprise approximately twenty-one acres of the site. These habitats occur on faces of slopes that have a low elevation change. The overstory is dominated by yellow poplar, white oak, white pine, hickory sp., and sugar maple. Saplings of the species listed above along with dogwood (*Cornus florida*), and American holly dominate the midstory of this area. Due to the shade created by the dense overstory the herbaceous layer is nearly nonexistent. Species that do occur in the herbaceous layer are Christmas fern, rubus sp., and smilax sp.

### **Applicant's Stated Purpose**

The purpose of this development is to create a sports recreation complex with a track, and multiple fields that will be used for soccer, field hockey, football, and other sports.

### **Project Description**

The project involves the discharge of approximately 2,800 cubic yards of clean earthen material into waters of the United States. Proposed impacts include 1,140 linear feet of stream channel in Four Mile Branch and an unnamed tributary, and 0.56 acre of adjacent wetlands. These impacts are associated with piping (culverting) and filling in conjunction with site grading for the sports recreation complex. The complex is to include a track oval and varsity soccer field, a junior varsity soccer field, a baseball field, a freshman soccer field, a fieldhouse building, and associated parking spaces.

The applicant proposes to mitigate for all unavoidable impacts to jurisdictional waters of the United States. Their conceptual mitigation plan includes the avoidance and preservation of 910 linear feet of stream and 1.37 acres of on-site wetlands. In addition, they propose to participate in the NC Ecosystem Enhancement Program by contributing money to restore an additional 958 linear feet of stream channel within HUC Cataloging Unit 06010105 (French Broad). Stream and wetlands mitigation (preservation) will be protected in perpetuity under a legally binding agreement (i.e. Restrictive Covenants or other approved mechanism).

### **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North

Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms. Cyndi Karoly by April 7, 2006.

### **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

### **Endangered Species**

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

### **Evaluation**

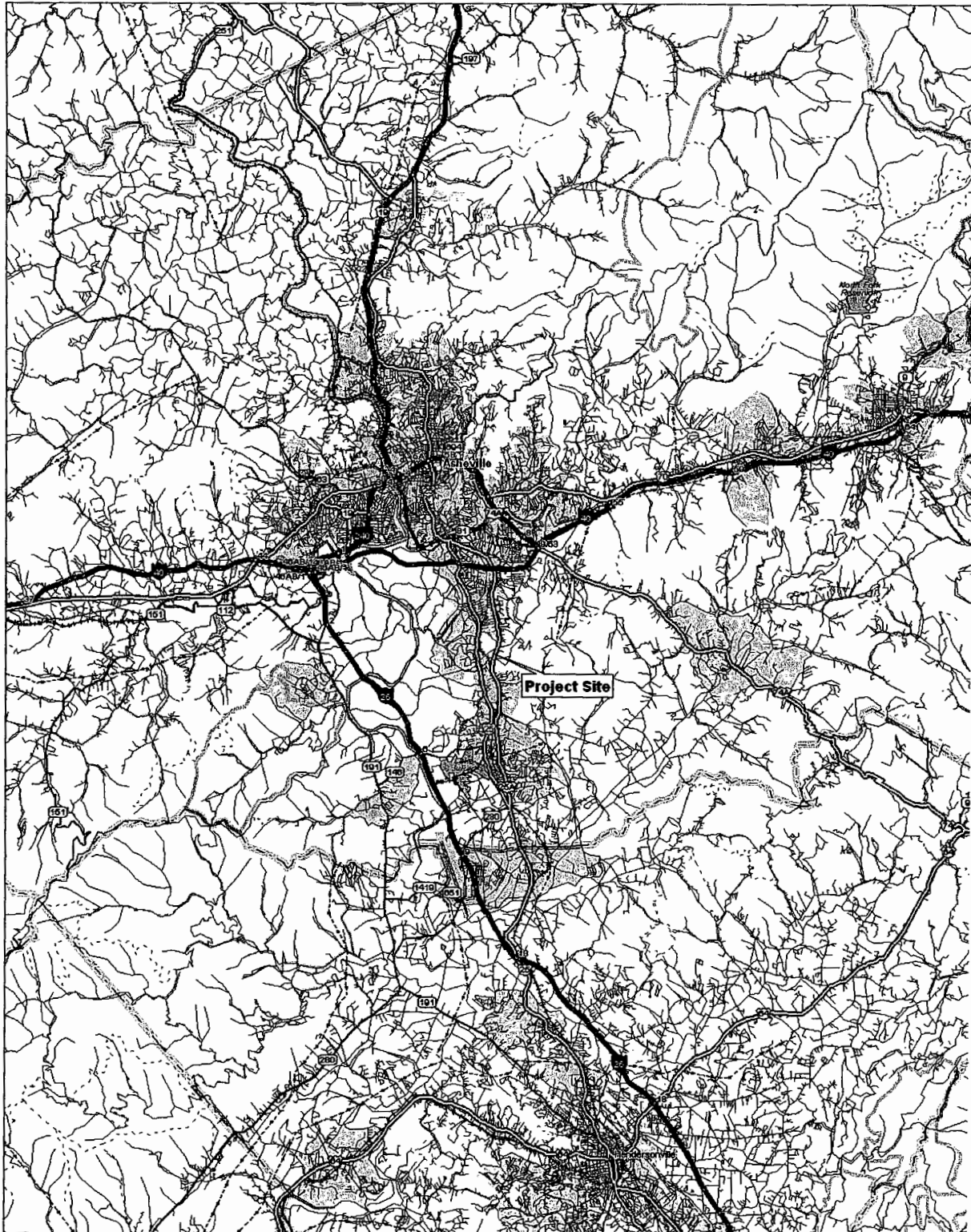
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

## **Commenting Information**

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, April 7, 2006. Comments should be submitted to Mr. David Baker at 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006.



DeLORME  
© 2003 DeLorme Maps, Inc. 1:250,000  
Scale: 1 inch = 2.5 miles

Scale: 1 inch = 2.5 miles



Sweeten Creek  
Buncombe County  
North Carolina

## CLEARWATER

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828-698-9800

Site Vicinity Map  
Figure 1



82°32.000' W

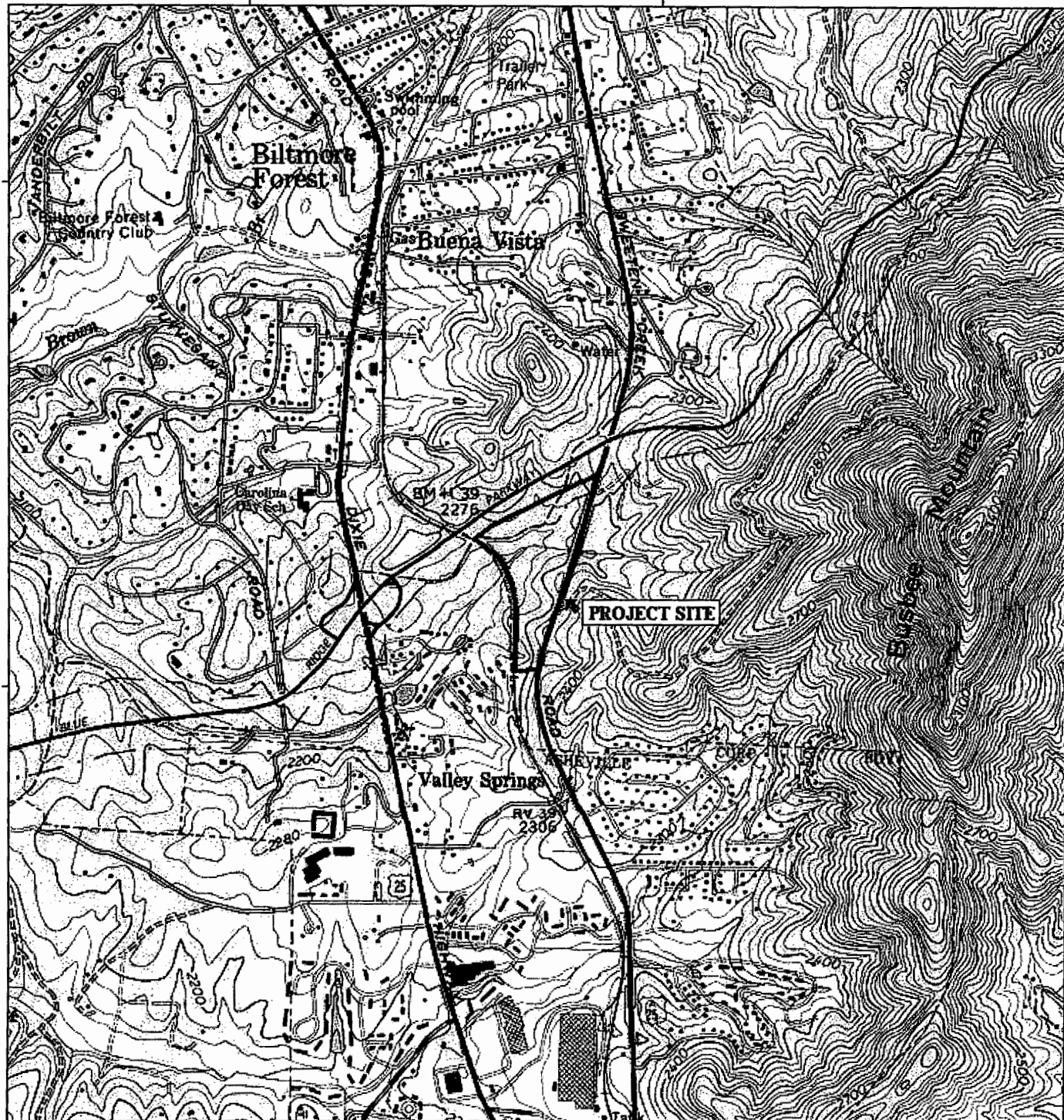
WGS84 82°31.000' W

35°32.000' N

35°31.000' N

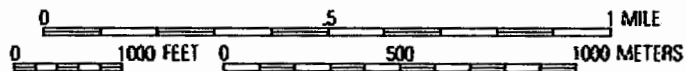
35°32.000' N

35°31.000' N



82°32.000' W

WGS84 82°31.000' W



Map created with TOPO!® ©2003 National Geographic ([www.nationalgeographic.com/topo](http://www.nationalgeographic.com/topo))

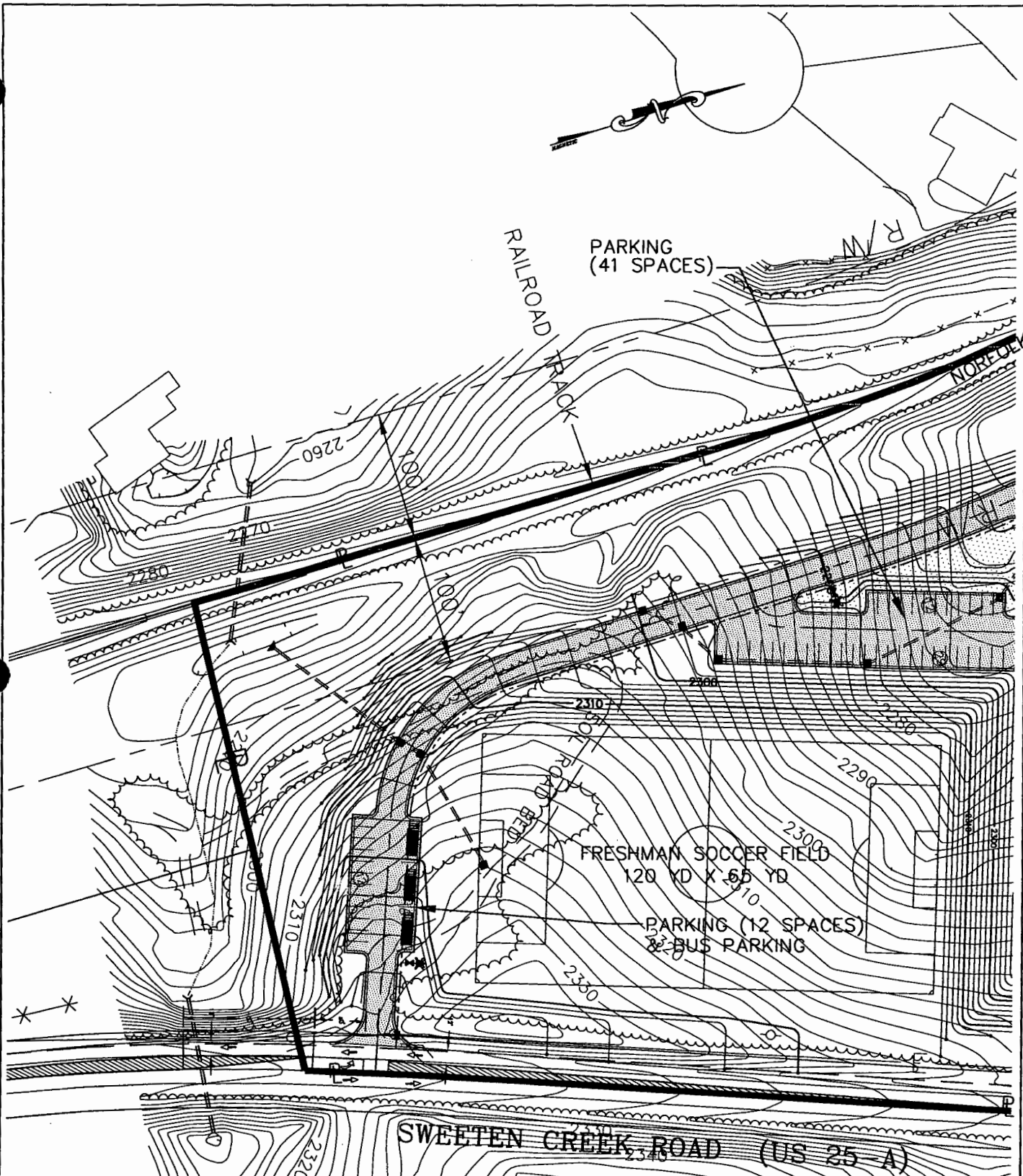
Sweeten Creek  
Buncombe County  
North Carolina

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USGS Topographic Site Map  
Figure 2

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1

SCALE: 1"=100'

Figure 5

CAROLINA DAY SCHOOL  
ATHLETIC FIELD COMPLEX

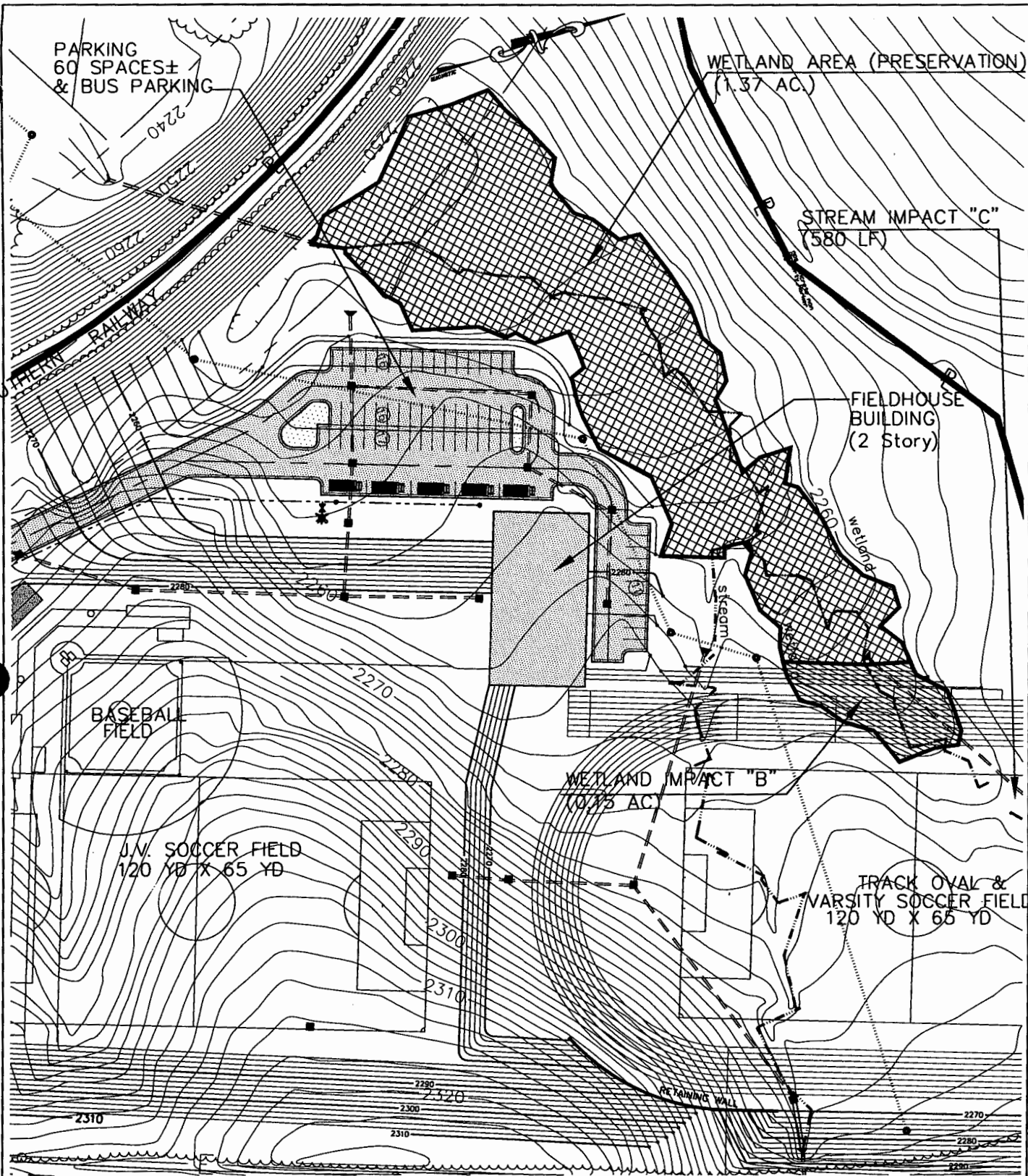
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CONSULTING ENGINEERS & LAND PLANNERS



1635 Asheville Highway  
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(828) 697-7334 Phone  
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BILTMORE-2002(CAROLINA DAY SCHOOL-02166)STEVE-MOLL-8-3-05(CDS-SH1-OPT-5dwg-WETLANDS)IMP-3.dwg, 2/10/2006 9:27:02 AM, 1:107.087



2

SCALE: 1"=100'

Figure 6

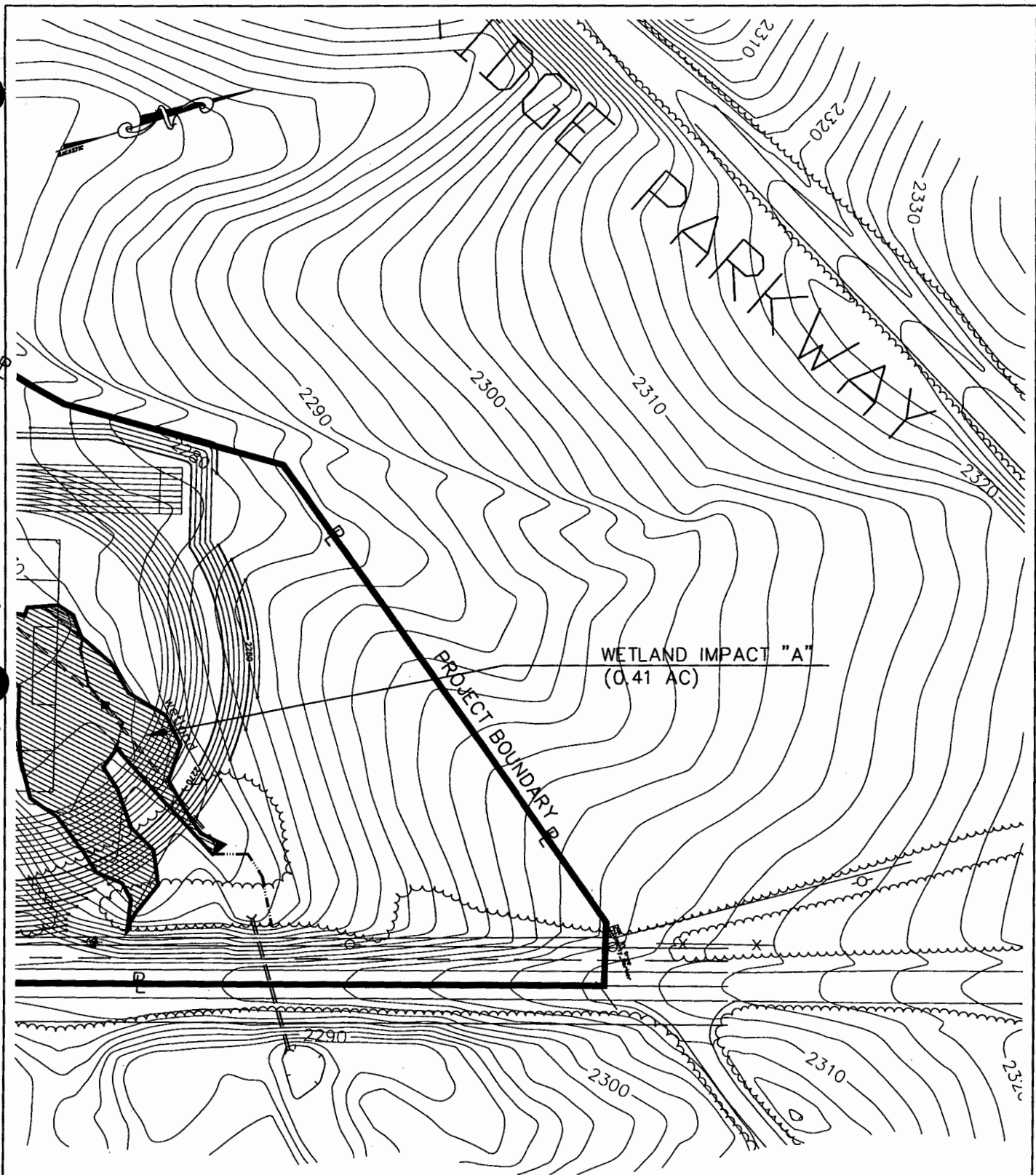
CAROLINA DAY SCHOOL  
ATHLETIC FIELD COMPLEX

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3

SCALE: 1"=100'

Figure 7

CAROLINA DAY SCHOOL  
ATHLETIC FIELD COMPLEX

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## LEGEND

PROJECT AREA	26.83	ACRES
TOTAL JURISDICTIONAL STREAMS ON-SITE	2,050	LF
TOTAL JURISDICTIONAL WETLANDS ON-SITE	1.93	ACRES

## PROPOSED IMPACTS

WETLAND IMPACTS	0.56	ACRES	
STREAM IMPACTS	1,140	LF	

## MITIGATION

AVOIDANCE	910	LF	
WETLAND AREA AVOIDED	1.37	ACRES	
STREAMS AVOIDED	910	LF	
PARTICIPATE IN THE ECOSYSTEM ENHANCEMENT PROGRAM	958	LF	
PERSERVATION			
WETLANDS PRESERVED	1.37	ACRES	
STREAMS PRESERVED	910	LF	

4

SCALE: 1"=100'

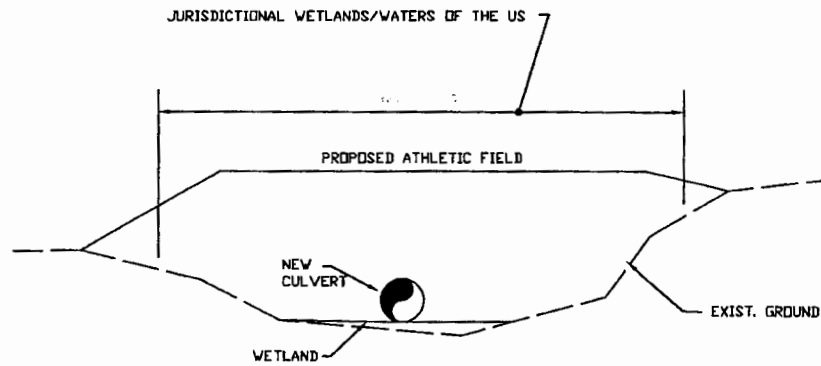
Figure 8

CAROLINA DAY SCHOOL  
ATHLETIC FIELD COMPLEX

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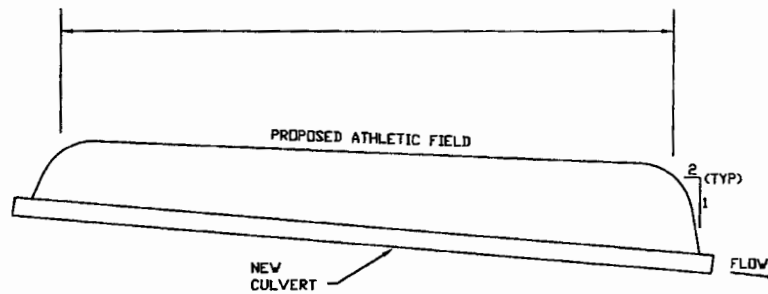
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TYPICAL SECTION

N.T.S.

Culvert buried below  
streambed to appropriate  
depth (6-12 inches)



TYPICAL ATHLETIC FIELD FILL SECTION

N.T.S.

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CAROLINA DAY SCHOOL  
BUNCOMBE COUNTY  
NORTH CAROLINA

FIGURE 9

NOT TO SCALE